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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,523	06/27/2003	Shawn Bishop	PLC1-H04	3058

7590	03/06/2006	**EXAMINER**	
		KARKHANIS, AASHISH	

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ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/608,523	BISHOP, SHAWN
Office Action Summary	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>27 June 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 June 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/03</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Junkin

(U.S. Patent 5,846,132).

Regarding Claims 1, 8, 14 and 20, Junkin discloses a network of computing

devices comprising two or more participant client computers (col. 18, lins. 44 – 46;

where a player operating a personal computer registers a team and is a client

participating in a game) in communication with a host computer (col. 18, lin. 43) over a

network (col. 18, lins. 47 – 48) with data storage storing information relating to

performance of the players in actual competitive events (col. 16, lins. 31 – 33; where a

central server tracks actual game statistics throughout a season and stores game data

for remote access by any player), a fantasy gaming method executed by said host

computer for interaction therewith at said participant client computers (col. 16, lins. 37 –

39; where host and client computers as described above interact to provide a game).

Junkin also discloses multiple participants creating multiple respective teams via

multiple respective client computers (col. 19, lins. 7 – 8; where individual participants up

to a specified maximum number build up and recruit for their respective teams) where a

first team issues a challenge to engage in a fantasy game issued by said first team to

said second team and an acceptance of said challenge by said second team (col. 1,

lins. 29 – 33; where a host computer matches teams for play and automatically

challenges teams during a regular season). The method solicits and accepts from each

participant an initial selection and purchase of players to form the participant's fantasy

sports team (col. 5, lins. 21 – 27; where each participant enters a draft to select players

for the above team) including a wager (col. 2, lins. 19 – 21; where players may win

prizes that may be set up through participants' initial wagers).

Regarding Claims 2 – 3 and 15 – 16, Junkin discloses a game method where a

first team challenges a second team to engage in a fantasy game at a future date (col.

1, lins. 29 – 33; where challenges, also called team match-ups, are set before the

following week's games are played within a participant's lineup and scores are updated

based on game results), and where an acceptance step is preceded by a second team

issuing a counterchallenge to a first team, and said acceptance step is an acceptance of

said counterchallenge by said first team (col. 1, lins. 29 – 33; where challenges,

counterchallenges, and acceptances of challenges and counterchallenges are

inherently handled automatically by teams and a game host at a central site when team

schedules are formed).

Regarding Claims 4 – 7, 9 – 11 and 17 – 19, Junkin discloses a game method

where a challenge creates a first duel (col. 1, lins. 29 – 33; where teams are matched

up to play against each other each week of the fantasy season) where a victor is

determined by performance results of actual players in an actual sporting event (col. 16,

lins. 31 – 33; where a player's team whose team members collectively score the most

points in a game is awarded with a win for that game). Also, a third participant creating

a third team via one said participant client computer where said third team may engage

in a second duel with either first or second team, and where a plurality of said teams

engage in a plurality of said duels (col. 1, lins. 29 – 33; where multiple teams may

participate and all teams play more than one other team, simulating actual play of teams

in a regular football season) to determine win-loss records for each said team

responsive to victors and non-victors of said duels (col. 1, lins. 29 – 33; where a team

accrues wins and losses based on a comparison between scores of dueling teams

during a particular game). Performance classification groups of teams are defined

responsive to the strength of duel schedule of said respective teams (col. 2, lins. 10 –

12, where teams are ranked based on their strength in winning against other teams

during the regular season) and a playoff schedule is created between teams having the

highest performance classification (col. 11, lins. 27 – 32; where teams qualify or do not

qualify for an All Star reorganization which is similar to playoffs in a fantasy league

incorporating a postseason based on regular season rank).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

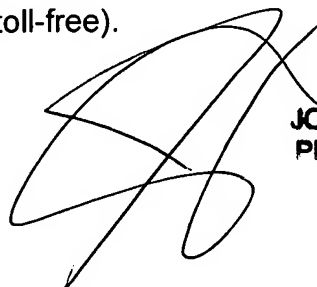U.S. Patent 5,830,069: Network based electronic gaming.

Yahoo. Yahoo! Sports Fantasy Football Plus. Internet Archive Wayback Machine. 11/6/2001. (http://web.archive.org/web/20011106180615/http://help.yahoo.com/help/footballp/rules/rules-01.html).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is 571-272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

JOHN M. HOTALING, II
PRIMARY EXAMINER